

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA *

vs. *

KRYSTAL DIANE PINKINS, * **Case No. 1:22-CR-00417-RDP-NAD**

Defendant *

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

Pursuant to Fed. R. Crim. P. 24(a), defendant Krystal Diane Pinkins hereby submits the following proposed voir dire questions to be posed to the panel in this case. The defendant respectfully requests the opportunity to supplement these proposed questions as necessary.

A. Background¹

1. This trial is expected to last three to four days. Is there anything that would prevent you from serving as a juror for that period of time?

¹ The defendant assumes that the Court will ask panel members the typical background questions regarding their current employment, highest level of education, marital status, and spouse's employment, and thus has not set forth those questions here.

2. Do you take any medication or have some other health concern that may prevent you from giving full attention to the evidence as it is presented to you?
3. Do you have any political views or beliefs that would prevent or hinder you from following the instructions that the Court will give as to the law or from acting as a fair and impartial juror in this case?
4. Do you have any religious, philosophical, moral, or other belief that might make you unable to render either a guilty or not guilty verdict for some reason that is unrelated to the evidence that you see here in court?
5. Do you have any doubt that you would be able to evaluate each witness's credibility without bias or prejudice?
6. Do you have any strong feelings about lawyers or the criminal justice system in general that would make it difficult for you to be a fair and impartial juror in this case?
7. Do you have any doubt that you would be able to decide this case based solely on the evidence presented at the trial here in the courtroom and not based on any other information?

B. Knowledge of the Case

1. In this case, Krystal Pinkins has been charged with aiding and abetting several crimes that allegedly took place in the Talladega National Forest. A young couple was allegedly kidnapped and robbed. One of the alleged victims was shot by a

firearm and passed away. Has anyone seen, heard, or read any news coverage of these events?

2. If you are selected as a juror, you will not be permitted to read or listen to any news about this case. You will not be allowed to do any Internet research concerning it. You may not try to find and/or contact parties or witnesses on social media. You will only be allowed to consider as evidence information that you hear in this courtroom. Do you believe that you would have any difficulties complying with this extremely important instruction?

C. Knowledge of the Parties

1. The government is represented here by the United States Attorney's Office for the Northern District of Alabama. Prim Prim Escalona is the United States Attorney. Assistant United States Attorneys Jonathan Cross and John Felton will try the case for the government. Do you know any of these individuals?

2. Have you, or to your knowledge has anyone you know, ever had any dealings with any of these individuals or with the United States Attorney's Office here in the Northern District of Alabama?

3. The defendant is represented by Justin Wilson of the LaPlante Merritt Faulkner Wilson & Clay firm in Anniston. Mr. Wilson has four (4) law partners: Michael LaPlante, Dustin Merritt, Daniel Faulkner, and Will Clay. Do you know any of these individuals?

4. As I mentioned at the outset, the defendant is Krystal Pinkins. Do you know or have you had any dealings with Ms. Pinkins?
5. This case also involves another woman named Yasmine Hider. Does anyone have any familiarity with Yasmine Hider?

D. Panel Members' Experience and Attitudes Related to Firearms

1. Have you ever owned or fired a firearm?
2. Have you ever received any education or training related to firearms?
3. Have you ever been a member of a gun club or organization?
4. Are you knowledgeable about different types of firearms and their uses?
5. Have you formed any personal opinions about firearms or gun control?
6. Do any of you have a friend, family member, or loved-one that has been shot by a firearm?

E. Knowledge and Experiences of Panel Members

1. Do you now or have you ever held a position of leadership in any religious, civil, political, social, professional or labor organization, society, or association?
2. Do you now or have you ever worked with any organization whose mission includes providing assistance to the homeless or indigent?
3. Do you, or does anyone in your household, have any bumper stickers or decals on your vehicle, or a personalized license plate?
4. Have you ever owned or invested in a business?

F. Views about the Government and Lawyers

1. Have you, a family member, or a close friend ever held or applied for a position with any law enforcement agency?
2. Have you, a family member, or a close friend ever been employed by or had any association with, the federal, state, or local government, or by any of its offices, departments, or agencies, including any law enforcement agency?
3. Have you, a family member, or close friend been a member of a group that lobbies or takes positions on law enforcement issues on a local, state, or federal level?
4. Have you, a family member, or close friend ever been a part of any branch of the United States military or any other country's military?
5. Have you, a family member, or close friend studied or practiced law or worked in any capacity for a law office or for a private investigator?
6. Have any of you ever made a social media post containing the phrase, "Back the Blue?"
7. Do any of you believe that law enforcement officers are more credible witnesses than any other type of witness based on their position alone?
8. Although not an issue in this case, is anyone here a proponent of the death penalty?

G. Experience With and Views of the Criminal Justice System

1. Do you believe that simply because the defendant has been charged with a crime it is likely she did something wrong?
2. Do you believe an that an indictment alone is proof of any wrongdoing?
3. The government prepares indictments and presents them to the grand jury, which considers those indictments without hearing any evidence from the defendant, and applies a standard which is far lower than the reasonable doubt standard you will apply in this case. Would you have difficulty accepting that if you were chosen as a juror?
5. If, after hearing all the evidence and my instructions on the law, you found that the government has not proven its case beyond a reasonable doubt, would you feel comfortable finding the defendant not guilty?
6. Have you, or a relative or close friend, ever been charged with or convicted of any crime?
7. Have you, a family member, or a close friend ever been accused of a crime?
8. Have you, or a relative or close friend, ever been the subject of an investigation or accusation by any grand jury, state or federal, or any other investigation, or the recipient of a subpoena for any inquiry or investigation?
9. Have you, or has any relative or a close friend, ever appeared as a witness, been involved with in an individual or business capacity, or been questioned for any

investigation or inquiry, or been part of any legal action or dispute brought by any office of prosecution or police agency?

H. Victim of a Crime

1. Have you, or has any family member or any close friend, ever been the victim of a crime, or ever pressed criminal charges against someone, or tried to press criminal charges against someone?

I. Prior Jury Service

1. Have you ever served as a trial juror before in any type of case?

2. Was a verdict reached?

3. Have you served as a grand juror, which is different?

4. If you have previously served as a trial juror or grand juror, is there anything about your prior experiences as a juror that would prevent you from acting as a fair and impartial juror in this case?

J. Views on Witnesses and Evidence

1. If selected as a juror, you will hear testimony from witnesses called by the government and possibly the defense. Would you be more likely to believe a witness who was called by the government?

2. What if the witness called by the government was an law enforcement officer: would you be more likely to believe that witness?

3. Would you be more likely to believe the testimony of an officer if that officer's testimony was inconsistent with another witness?
4. Would you be more likely to give an officer's testimony more weight than another witness?
5. What if the witness called by the government was a government employee: would you be more likely to believe that witness?
6. Would you be more likely to believe the testimony of a government employee if that witness's testimony was inconsistent with another witness?
7. Would you be more likely to give a government employees' testimony more weight than another witness?
8. You must keep an open mind about this case and all the evidence that will be admitted until the end of the case. Do you believe you would have any difficulty complying with that instruction?
9. Do you believe that you would have difficulty remaining impartial and withholding judgment in a case where the government has accused a felon of possessing a firearm?

K. Ability to Follow the Law

1. Every defendant is presumed innocent and cannot be convicted unless the jury unanimously, based solely on the evidence in the case, decides that his guilt has been proven beyond a reasonable doubt. The burden of proving guilt beyond a reasonable

doubt rests entirely with the government. The defendant has no burden of proof whatsoever. Would you have any difficulty in following this instruction?

2. Under the law, an indictment is merely a list of formal charges and is not considered proof of any wrongdoing. The fact that the defendant has been indicted is entitled to no weight at all in deciding whether a defendant is innocent or guilty. Do you have any difficulty in accepting this principle?

3. Under our system of law, the jury determines the facts and the court determines the law. These are two separate areas. At the end of the case the Court will give you instructions as to what the law is. And it is your job to determine the facts of the case subject to the Court's instructions on the law. You cannot substitute your notions for what the law is or what it should be. You have to rely entirely on the legal instructions given at the end of the case. Do you believe that you would have difficulty or be unable in any way to apply the law as given to you in the instructions at the end of the case?

4. The burden of proof in a criminal case—beyond a reasonable doubt—is greater than the burden of proof in a civil case. In a criminal case, the defendant is presumed innocent, and the government has to prove guilt beyond a reasonable doubt. In a civil case, the plaintiff's burden is only to show that he or she is more likely than not to be entitled to relief. And that is, of course, a much lesser standard than the beyond-a-reasonable-doubt standard. You may have had experience in civil

cases. And so you understand that it is a different burden and a much higher burden in a criminal case. Is there anyone who does not understand that the government's burden of proof in this criminal case of beyond a reasonable doubt is higher than the preponderance-of-the-evidence test that is used in a civil case?

5. Under the law, the defendant does not have to testify or even present any evidence. If the defendant does not testify, the jury cannot draw any unfavorable inference against the defendant based on that decision. That fact cannot enter at all into the jury's deliberation. Would any of you have any difficulty in applying this principle?

6. Under the law, the defendant is under no obligation to present any evidence or case on his own behalf. If the defendant elects not to present any evidence, the jury cannot draw any adverse inference against the defendant based on that decision. Again, that fact cannot enter at all into the jury's deliberation. Would you have any difficulty in following that instruction?

7. Should the defense counsel decide to put on a case on the defendant's behalf, that fact does not in any way shift the burden of proof to the defendant. The burden of proof always remains with the government. The government is always under the obligation to prove the defendant's guilt beyond a reasonable doubt. Would you have any difficulty in following that principle?

8. The law provides that only the evidence that is produced here in court may be used by you to determine whether the government has met its obligation of proving the defendant's guilt beyond a reasonable doubt. This is because much of what is on the Internet is unreliable and/or inaccurate, and that concept applies in this and every court case. Nothing that happens outside of court, nothing on the Internet, nothing in your background can play any role in any decision here. It is only what you hear and see in this courtroom. Would you have any difficulty in applying that principle?

L. Views on Conspiracy Theories and Nonconventional Beliefs

1. Do any of you believe any theories that are sometimes categorized as conspiracy theories?
2. Do any of you know anyone who believes in such theories?
3. Has anyone here ever considered living in the wilderness or living "off the grid?"
4. Does anyone know anyone personally who has attempted such a lifestyle?
5. Does anyone here generally distrust the government?
6. Does anyone here that would consider themselves an anti-vaxxer?

M. Summary Question

1. As you can tell from the prior questions, the fundamental issue here is whether there is anything in your personal history or life experience that would prevent you

from acting as a fair and impartial juror. Is there anything—whether specifically asked about or not - that would affect your ability to render a fair and impartial verdict in this case?

Respectfully submitted,

/s/ Justin C. Wilson
Justin C. Wilson
Attorney for the Defendant

CERTIFICATE OF SERVICE

I, Justin C. Wilson, do hereby certify that a copy of the foregoing has been electronically filed with the Clerk of court, Northern District of Alabama, on this day, using the CM/ECF filing system that will send notification of said filing to counsel for the United States.

/s/ Justin C. Wilson
Justin C. Wilson
Attorney for the Defendant